

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE BED BATH & BEYOND INC.
SECTION 16(b) LITIGATION

No. 22-cv-9327 (DEH)

**MOTION OF NOMINAL DEFENDANT BED BATH & BEYOND INC.
(n/k/a 20230930-DK-BUTTERFLY-1, INC.) FOR SUBSTITUTION AS PLAINTIFF AND
TO STAY CONSIDERATION OF THE AMENDED OMNIBUS MOTION TO DISMISS**

Notice is hereby given that Nominal Defendant Bed Bath & Beyond Inc. (n/k/a 20230930-DK-Butterfly-1, Inc.) (“BB&B”) respectfully moves this Court for an order substituting BB&B as plaintiff in this case and staying consideration of the Amended Omnibus Motion to Dismiss [Dkt. 64] pending a decision on BB&B’s motion. In support of its motion, BB&B submits the accompanying memorandum of law, the declaration of BB&B’s court-appointed plan administrator Michael I. Goldberg, and the declaration of James A. Hunter.

Dated: December 6, 2023

/s/ James A. Hunter
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CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2023 I caused a true copy of the attached motion of Nominal Defendant Bed Bath & Beyond Inc. (n/k/a 20230930-DK-Butterfly-1, Inc.) and the supporting memorandum of law, declaration of Michael I. Goldberg, and declaration of James A. Hunter to be served on each attorney of record by filing the same through the Court's CM/ECF system.

Dated: December 6, 2023

/s/ James A. Hunter
James A. Hunter